

09/846,509

12

P-5078-C1-C1

REMARKS

Reconsideration of the present application and entry of this amendment are respectfully requested. Claims 28 to 123 are currently pending, claims 45, 77 and 105 have been canceled, claims 44, 54 to 61, 81 to 89, 112 and 116 to 123 have been withdrawn from consideration, and claims 28, 62 and 90 have been amended.

The Office Action mailed September 12, 2003 addressed claims 28 to 123. Claims 28 to 37, 39 to 43, 47 to 49, 51 to 53, 62 to 70, 72 to 76, 78 to 80, 90 to 99, 101 to 104, 106 to 109 and 113 to 115 were rejected, claims 38, 45, 55, 71, 77, 100, 105 and 110 were objected to, and claims 44, 54 to 61, 81 to 89, 112 and 116 to 123 were withdrawn from consideration.

Claims 28 to 37, 39, 40, 42, 43, 47 to 49, 51 to 53, 62 to 70, 72, 74 to 76, 78 to 80, 90 to 99, 101, 103, 104, 106 to 109, 111 and 113 to 115 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terence et al. (4,844,471) in view of Nesbitt (4,431,193) and Saito (4,858,924).

Applicants respectfully disagree with the Examiner. Terence et al. discloses a golf ball having a unitary (one-piece) solid core. Applicants respectfully submit that the Examiner has shown no motivation, teaching or suggestion to provide a multi-layer core in Melvin et al. Additionally, contrary to the assertions of the Examiner that Terence discloses the properties of the core layer, Terence does not have a core layer but instead is a one piece core. See for example, the rejection of claims 29, 47, 48 and 49, where the Examiner refers to the core layer having specific properties. Therefore, Applicants respectfully submit that Terence does not disclose Applicants' invention, with or without the addition of Nesbitt and Saito.

However, in an effort to hasten prosecution, claim 28 has been amended to incorporate the limitation of claim 45, which was objected to as being dependent upon a rejected base claim but was indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 45 has been canceled. Claims 62 and 90 have been amended to incorporate the limitation of claims 77 and 105 respectively, which were also objected to as being dependent upon a rejected base claim but were indicated as allowable if rewritten in independent

09/846,509

13

P-5078-C1-C1

form including all of the limitations of the base claim and any intervening claims, and claims 77 and 105 have been canceled. Claims 29 to 37, 39, 40, 42, 43, 47 to 49, 51 to 53, 63 to 70, 72, 74 to 76, 78 to 80, 91 to 99, 101, 103, 104, 106 to 109, 111 and 113 to 115 depend, or ultimately depend, from amended claims 28, 62 and 90, therefore Applicants respectfully submit that claims 29 to 37, 39, 40, 42, 43, 47 to 49, 51 to 53, 63 to 70, 72, 74 to 76, 78 to 80, 91 to 99, 101, 103, 104, 106 to 109, 111 and 113 to 115 are also allowable. Claims 38, 50, 71, 100 and 110, which were objected to, also depend or ultimately depend from amended claims 28, 62 and 90, therefore Applicants respectfully submit that claims 38, 50, 71, 100 and 110 are also allowable.

For at least these reasons, Applicants respectfully submit that claims 28 to 37, 39, 40, 42, 43, 47 to 49, 51 to 53, 62 to 70, 72, 74 to 76, 78 to 80, 90 to 99, 101, 103, 104, 106 to 109, 111 and 113 to 115 are not obvious under 35 U.S.C. § 103(a) over Terence et al. (4,844,471) in view of Nesbitt (4,431,193) and Saito (4,858,924). Applicants therefore respectfully request that the rejection of claims 28 to 37, 39, 40, 42, 43, 47 to 49, 51 to 53, 62 to 70, 72, 74 to 76, 78 to 80, 90 to 99, 101, 103, 104, 106 to 109, 111 and 113 to 115 28, 29, 33, 34, 36, 39, 40, 42, 43, 48 and 53 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 41, 73 and 102 were rejected under 35 U.S.C. § 103(a) over Terence et al. (4,844,471) in view of Nesbitt (4,431,193) and Saito (4,858,924), and further in view of Tomita et al. (4,696,475).

Claims 41, 73 and 102 depend from claims 28, 62 and 90 respectively, which as discussed above, Applicants respectfully submit are allowable and not obvious over Terence et al. (4,844,471) in view of Nesbitt (4,431,193) and Saito (4,858,924). Therefore, the addition of Tomita et al. for the sulfur curing of the core does not cure this deficiency.

For at least these reasons, Applicants respectfully submit that claims 41, 73 and 102 are not obvious under 35 U.S.C. § 103(a) over Terence et al. (4,844,471) in view of Nesbitt (4,431,193) and Saito (4,858,924), and further in view of Tomita et al.

09/846,509

14

P-5078-C1-C1

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

**CONCLUSION**

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 28 to 37, 39 to 43, 47 to 49, 51 to 53, 62 to 70, 72 to 76, 78 to 80, 90 to 99, 101 to 104, 106 to 109 and 113 to 115. Applicants respectfully request allowance of claims 28 to 43, 47 to 53, 62 to 76, 78 to 80, 90 to 104, 106 to 111 and 113 to 115, the claims currently pending in the present application.

Respectfully submitted,

MARK L. BINETTE et al.

Customer No. 24492  
Phone (413) 322-2937

Date: December 9, 2003

By: Michelle Bugbee  
Michelle Bugbee, Reg. No. 42,370  
The Top-Flite Golf Company  
A wholly-owned subsidiary of Callaway Golf Company  
Attorney for Applicants  
425 Meadow Street, P.O. Box 901  
Chicopee, MA 01021-0901

Cc: Richard M. Klein, Esquire (SLD 2 0204-1-1)